



# PUBLIC NOTICE

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DA 22-79

Released: January 24, 2022

## WIRELESS TELECOMMUNICATIONS BUREAU APPROVES WITHDRAWAL OF PETITION FOR RECONSIDERATION

### WT Docket 13-59

By this Public Notice, the Wireless Telecommunications Bureau approves the withdrawal of a petition seeking reconsideration of the *PTC-220 Waiver Order*.<sup>1</sup> That order granted PTC-220, LLC (PTC-220), a joint venture of the nation's seven Class I freight railroads, a conditional waiver of sections 90.723(f) (coordination requirements) and 90.729(b) (power and antenna height limits) of the Commission's rules<sup>2</sup> to facilitate deployment of Positive Train Control (PTC) safety systems in the upper one megahertz segment of the 220-222 MHz Band.<sup>3</sup>

Cornerstone SMR, Inc. (Cornerstone) and Comtran Associates, Inc. (Comtran) filed a joint Petition for Reconsideration of the *PTC-220 Waiver Order* (Petition for Reconsideration).<sup>4</sup> Each party subsequently filed a request to withdraw the petition.<sup>5</sup> And, pursuant to section 1.935(a) of the Commission's rules,<sup>6</sup> each party filed a declaration certifying that it is unilaterally withdrawing the petition and that neither the party nor its principals has received or will receive any money or other consideration in exchange for the withdrawal, and that it is not a party to any oral or written agreement

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<sup>1</sup> *PTC-220, LLC, Request for Waiver to Facilitate Deployment of Positive Train Control Systems*, WT Docket 13-59, Memorandum Opinion and Order, DA 15-332, 30 FCC Rcd 2281 (WTB MD 2015) (*PTC-220 Waiver Order*).

<sup>2</sup> 47 CFR §§ 90.723(f) and 90.729(b).

<sup>3</sup> *PTC-220 Waiver Order*, 30 FCC Rcd at 2293, para 45. The *Rail Safety Improvement Act of 2008*, as amended by the *Positive Train Control Enforcement and Implementation Act of 2015*, required most U.S. freight, passenger, and commuter railroads to install and operate interoperable PTC systems by December 31, 2018. *Rail Safety Improvement Act of 2008*, Pub. L. No. 110-432, § 104, 122 Stat. 4848, 4857 (2008), amended by the *Positive Train Control Enforcement and Implementation Act of 2015*, Pub. L. No. 114-73, § 1302, 129 Stat. 568, 576 (2015). PTC systems are designed to reduce the risk of human-error rail accidents, by "prevent[ing] train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position." 49 U.S.C. § 20157(i)(5).

<sup>4</sup> WT Docket 13-59, Petition for Reconsideration (filed Apr. 13, 2015). PTC-220 filed an opposition to the petition. WT Docket 13-59, Opposition to Petition for Reconsideration (filed Apr. 23, 2015).

<sup>5</sup> WT Docket 13-59, Cornerstone Request for Withdrawal of Petition for Reconsideration (filed Oct. 26, 2016) (Cornerstone Request); WT Docket 13-59, Comtran Request to Withdraw Petition for Reconsideration (filed Nov. 4, 2021) (Comtran Request).

<sup>6</sup> 47 CFR § 1.935.

related to the withdrawal.<sup>7</sup>

We have reviewed each party's withdrawal request and section 1.935(a) declaration, and find that approving the withdrawal requests will serve the public interest.<sup>8</sup> We accordingly approve the withdrawal requests and hereby dismiss, with prejudice, the Petition for Reconsideration.

For further information, please contact Richard Arsenault, Chief Counsel, Mobility Division, Wireless Telecommunications Bureau, at [Richard.Arsenault@fcc.gov](mailto:Richard.Arsenault@fcc.gov) or 202-418-0920.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau, pursuant to Sections 1, 308, and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 308, and 309, and sections 0.331 and 1.935 of the Commission's rules, 47 CFR §§ 0.331, and 1.935.

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<sup>7</sup> Declaration of Henry Urick, President and Chief Executive Officer, Cornerstone (dated Oct. 26, 2016) (attached to Cornerstone Request); Declaration of Leonard Knigin, President, Comtran (dated Nov. 4, 2021) (attached to Comtran Request).

<sup>8</sup> Section 1.935 requires parties that have filed a pleading against an application to obtain Commission approval to withdraw the pleading. 47 CFR § 1.935.